

Attorney General, with instructions to have it adjudged. The canal company either possesses the legal right in question, or it does not, if it does, the courts will so decide; if it does not, although other measures on their part, would doubtless have left the Legislature of Maryland, no disposition to deal strictly; at present your committee deem the State under no obligation to shew favour to the Chesapeake and Ohio Canal Company.

Again, the charter of the Chesapeake and Ohio Canal Company gives it no authority to draw from the river or other streams, water with any view other than the improvement of the navigation, and expressly declares (sec. 16.) that in *no situation whatever* other than where wastes shall be essential to the security of the Canal, shall waste water be sold along its line; yet your committee understand it to have been admitted in the Chancery court, in the case of Binney against the Chesapeake and Ohio Canal Company, in the answer of that company and elsewhere, that a large quantity of water had been drawn off from the river and conducted into Georgetown, over and above what was wanted for navigation, contrary to the plain inhibition of the charter, *with a view to future authority*, to apply it to other uses.

Your committee has even been informed that large mills have been established in the district of Columbia, propelled by water drawn from the canal, in anticipation of the grant of such future authority. A memorial of a certain Patrick O'Byrne has been referred to your committee, complaining that the Chesapeake and Ohio canal company, have not only not kept the river in a proper state for navigation, as it is required to do by the 13th section of the charter, but has actually obstructed the navigation; and yet exacts from him tolls "oppressive, unjust and iniquitous."

It is further said that the Chesapeake and Ohio canal company have indirectly by the intervention of trustees purchased lands, which directly, under the charter they had no power or right to do.

These are subjects for grave inquiry; involving matters of fact, which your committee has not time nor means to investigate, and yet which ought to be investigated—your committee therefore recommend the passage of a resolution authorising the governor to appoint a suitable person or persons to collect the necessary testimony, and if the facts proved shall justify the proceeding, to co-operate with the Attorney General in such legal measures as will lead to the